

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**CARPENTERS DISTRICT COUNCIL)
OF KANSAS CITY PENSION FUND,)
a Trust Fund, et al.,)**

Plaintiffs,)

vs.)

Case No. 09-0753-CV-W-GAF

**APPROVED CONSTRUCTION &)
TILE, INC.,)**

Defendant.)

ORDER GRANTING MOTION FOR DAMAGES

Now before the Court is Plaintiffs' Motion for Damages, filed on June 22, 2010. (Doc. # 25).

On July 14, 2010, this Court ordered Defendant Approved Construction & Tile, Inc. to show cause on or before July 29, 2010, why Plaintiffs' Motion should not be granted. (Doc. # 27). To date, no response to the Motion or the Order to Show Cause has been filed. Accordingly, Plaintiffs' Motion is **GRANTED** and it is

ORDERED that Defendant Approved Construction & Tile, Inc. shall remit payment to counsel for Plaintiffs, Michael G. Newbold, Arnold, Newbold, Winter & Jackson, P.C., 1125 Grand Avenue, Suite 1600, Kansas City, Missouri, 64106, within thirty (30) days from the date of this Order in the following amounts:

1. In favor of Plaintiff Carpenters District Council of Kansas City Pension Fund and against Defendant for unpaid contributions, in the amount of FOURTEEN THOUSAND, SIX HUNDRED TWENTY-NINE AND 90/100 (**\$14,629.90**) DOLLARS; for liquidated damages in the amount of TWO THOUSAND, NINE HUNDRED TWENTY-SIX AND 01/100 (**\$2,926.01**) DOLLARS;; for interest in the amount of EIGHT HUNDRED FORTY-

FOUR AND 01/100 (**\$844.01**) DOLLARS; audit costs in the amount of EIGHT THOUSAND, THIRTY-FIVE AND 50/100 (**\$8,035.50**) DOLLARS; and for reasonable attorney's fees and costs incurred in the prosecution of this action in the amount of THREE THOUSAND, THREE HUNDRED EIGHTY-SEVEN AND 79/100 (**\$3,387.79**) DOLLARS; for a total of TWENTY-NINE THOUSAND, EIGHT HUNDRED TWENTY-THREE AND 21/100 (**\$29,823.21**) DOLLARS.

2. In favor of Plaintiff Carpenters District Council of Kansas City and Vicinity Welfare Fund and against Defendant for unpaid contributions in the amount of EIGHTEEN THOUSAND, NINE HUNDRED SEVENTY-SEVEN AND 47/100 (**\$18,977.47**) DOLLARS; for liquidated damages in the amount of THREE THOUSAND, SEVEN HUNDRED NINETY-FIVE AND 52/100 (**\$3,795.52**) DOLLARS; for interest in the amount of ONE THOUSAND, NINETY-FOUR AND 67/100 (**\$1,094.67**) DOLLARS; audit costs in the amount of FOUR THOUSAND, NINE HUNDRED FIFTY-FIVE AND 23/100 (**\$4,955.23**) DOLLARS; and for reasonable attorney's fees and costs incurred in the prosecution of this action in the amount of TWO THOUSAND, EIGHTY-NINE AND 14/100 (**\$2,089.14**) DOLLARS; for a total of THIRTY THOUSAND, NINE HUNDRED TWELVE AND 03/100 (**\$30,912.03**) DOLLARS.

3. In favor of Plaintiff Carpenters District Council of Kansas City and Vicinity Apprenticeship and Training Fund and against Defendant for unpaid contributions in the amount of ONE THOUSAND, THREE HUNDRED SEVENTY-THREE AND 62/100 (**\$1,373.62**) DOLLARS; for liquidated damages in the amount of TWO HUNDRED SEVENTY-FOUR AND 73/100 (**\$274.73**) DOLLARS; for interest in the amount of SEVENTY-NINE AND 24/100 (**\$79.24**) DOLLARS; audit costs in the amount of TWO HUNDRED SIXTY-SEVEN

AND 85/100 (**\$267.85**) DOLLARS; and for reasonable attorney's fees and costs incurred in the prosecution of this action in the amount of ONE HUNDRED TWELVE AND 91/100 (**\$112.91**) DOLLARS; for a total of TWO THOUSAND, ONE HUNDRED EIGHT AND 35/100 (**\$2,108.35**) DOLLARS.

4. In favor of Plaintiff Carpenters District Council of Kansas City and Vicinity Vacation Fund and against Defendant for unpaid contributions in the amount of SIX THOUSAND, THREE HUNDRED TWENTY-FIVE AND 85/100 (**\$6,325.85**) DOLLARS; for liquidated damages in the amount of ONE THOUSAND, TWO HUNDRED SIXTY-FIVE AND 20/100 (**\$1,265.20**) DOLLARS; for interest in the amount of THREE HUNDRED SIXTY-FOUR AND 89/100 (**\$364.89**) DOLLARS; audit costs in the amount of ONE HUNDRED THIRTY-THREE AND 92/100 (**\$133.92**) DOLLARS; and for reasonable attorney's fees and costs incurred in the prosecution of this action in the amount of FIFTY-SIX AND 47/100 (**\$56.47**) DOLLARS; for a total of EIGHT THOUSAND, ONE HUNDRED FORTY-SIX AND 33/100 (**\$8,146.33**) DOLLARS.¹

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: July 30, 2010

¹The total amount of damages is SEVENTY THOUSAND, NINE HUNDRED EIGHTY-NINE AND 92/100 (**\$70,989.92**) DOLLARS.